

EXHIBIT "B"  
TO THE WATER RIGHTS DEED

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

That portion of the Northeast 1/4 of SEction 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;

1. South 01° 00' 38" East, 1958.07 feet;
2. North 88° 46' 47" West, 2687.84 feet;
3. North 00° 00' 03" West, 638.78 feet;
4. North 45° 42' 44" East, 1852.85 feet;
5. South 88° 36' 59" East, 1326.75 feet to the TRUE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO.

12-471-74

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED  
PREVIOUSLY IN DEED # 241208 RECORDED ON  
NOVEMBER 29, 1999 IN LYON COUNTY RECORDS.

276752

OFFICIAL RECORDS  
LYON COUNTY, NEV.  
RECORD REQUESTED BY

*George L. Abbe*  
02 MAY 13 AM 9:42

MARY C. HILLIGAN  
COUNTY RECORDER

FEE 17.00 *on*



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 10-15-03

Chyne B. Bauer  
Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

FILED  
JUL 31 AM 9:33  
LANCE S. WILSON  
CLERK

THE UNITED STATES OF AMERICA,

Plintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Interventor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a coporation, et al.,

)  
) BY  
)  
) DEPUTY  
) IN EQUITY NO. C-125  
)  
) SUBFILE NO. C-125-B  
)  
)  
)  
)  
)

**NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**

1. I hereby enter my appearance in this sub-proceeding  
in this case.

2. I am filing this document with the District Court at  
the following address:

Chief Deputy Clerk  
United States District Court for the District of Nevada  
400 South Virginia St, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of  
Service of Notice in Lieu of Summons, I am mailing a copy of  
this document to:

Susan L. Schneider  
Attorney for the United States of America  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

///

///

///

(775) 677-7668  
(Telephone number)

DOUGLAS COUNTY

GRANT, BARGAIN, SALE DEED

ORDER NO.: \_\_\_\_\_

THIS INDENTURE WITNESSETH: That CLYNE P. BAUER, AN UNMARRIED MAN

in consideration of \$ 10.00+, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and

Convey to CLYNE P. BAUER, TRUSTEE OF THE CLYNE P. BAUER TRUST AGREEMENT

DATED MAY 10, 1995

and to the heirs and assigns of such Grantee forever, all that real property situated in the \_\_\_\_\_

County of DOUGLAS, State of Nevada, bounded and described as follows:

APN 39-192-05

SEE ATTACHED EXHIBIT "A" MADE APART HERETO

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

Witness \_\_\_\_\_ hand \_\_\_\_\_ this 28TH day of MARCH, 19 96.

STATE OF NEVADA

COUNTY OF DOUGLAS

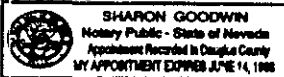
SS

Clyne P. Bauer  
CLYNE P. BAUER

On 3/28/96

personally appeared before me, a  
Notary Public, CLYNE P. BAUER  
personally known or  
proved to me to be the person whose  
name(s) is/are subscribed to the  
above instrument who acknowledged  
that he executed the above  
instrument

Sharon Goodwin  
Notary Public



WHEN RECORDED MAIL TO:

CLYNE P. BAUER

P. O. BOX 186

ELY, NV 89301

The grantor(s) declare(s):  
Documentary transfer tax is \$ EXEMPT #8 -0-  
( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens and  
encumbrances remaining at time of sale.

FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

384269

BK0396PG4634

DOUGLAS COUNTY

DESCRIPTION

All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

PARCEL 1:

All that certain piece or parcel of land situate in the County of Douglas, State of Nevada, being all that portion of the Northwest Quarter of Section 32, Township 10 North, Range 22 East, M.D.B.&M., that is described as follows:

COMMENCING at the Northwest corner of said Section 32,

THENCE South  $89^{\circ}58'$  East, 1146.33 feet, along the North line of said Section 32, to the point where it intersects the Easterly right-of-way line of Nevada State Highway U.S.395,

THENCE continue along said North line of Section 32, South  $89^{\circ}58'$  East, 162.45 feet to the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 32;

THENCE South  $0^{\circ}05'$  East, 385.17 feet, along the East line of the Northwest quarter of the Northwest quarter of Section 32, to a point;

THENCE South  $89^{\circ}26'20''$  East, shown as South  $89^{\circ}22'$  East on Record of Survey map property of Morris Kahn filed in the office of the County Recorder of Douglas County, Nevada, on June 24, 1966, under File No. 32671, a distance of 41.23 feet, to a point which is 275.00 feet Easterly and at right angles to the centerline of Highway 395, at Highway Engineer's Station "X" 18+68.42 P.O.T.;

THENCE South  $0^{\circ}33'40''$  West shown as South  $0^{\circ}38'$  West on said survey 300.00 feet, parallel to the centerline of said Highway U.S. 395 to the TRUE POINT OF BEGINNING;

THENCE South  $89^{\circ}26'20''$  East, shown as South  $89^{\circ}22'$  East on said survey 300.00 feet, to a point which is 575 feet Easterly of and at right angles from Highway Engineer's Station 15+68.42 P.O.T.;

THENCE South  $0^{\circ}33'40''$  West, shown as South  $0^{\circ}38'$  West on said survey 850.00 feet, parallel to the centerline of Highway U.S. 395, to a point;

THENCE North  $89^{\circ}22'$  West, 500.00 feet more or less to a point on the Easterly right of way line of said U.S. Highway 395;

THENCE Northerly along the Easterly right of way line of said U.S. Highway 395 to a point which is 75 feet Easterly and at right angles to the centerline of Highway 395, at Highway Engineer's Station "X" 18+68.42 P.O.T.;

DOUGLAS COUNTY

Description continued

THENCE South 89°26'20" East 200 feet, more or less, to the point of beginning.

Reference is made to Record of Survey filed June 24, 1966, under File No. 32671, Douglas County, Nevada Records, and Survey recorded April 9, 1980 as Document No. 43477 and amendment thereto, Document No. 50868.

EXCEPTING THEREFROM all that portion of said land conveyed to PERCY J. SEMAS, et, ux in Deed recorded September 12, 1989 as Document No. 210636, Official Records.

PARCEL 2:

All that certain piece or parcel of land situate in the County of Douglas, State of Nevada, being all that portion of the Northwest quarter of Section 32, Township 10 North, Range 22 East, M.D.B.&M., that is described as follows:

COMMENCING at the Northwest corner of said Section 32,

THENCE South 89°58' East, 1146.33 feet, along the North line of said Section 32, to the point where it intersects the Easterly right-of-way line of Nevada State Highway U.S. 395, which point is the Northwest corner of this parcel and the TRUE POINT OF BEGINNING;

THENCE continuing along the North line of Section 32, South 89°58' East, 162.45 feet to the Northeast corner of the parcel, which is also the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 32;

THENCE South 0°05' East, 385.17 feet along the East line of the Northwest quarter of the Northwest quarter of Section 32, to a point;

THENCE South 89°26'20" East, shown as South 89°22' East on Record of Survey map property of Morris Kahn filed in the office of the County Recorder of Douglas County, Nevada, on June 24, 1966, under File No. 32671, a distance of 41.23 feet, to a point which is 275.00 feet Easterly and at right angles to the centerline of Highway 395, at Highway Engineer's Station "X" 18+68.42 P.O.T.;

THENCE South 0°33'40 West shown as 0°38' West on said survey 300.00 feet, parallel to the centerline of said Highway U.S. 395, to a point;

THENCE North 89°26'20" West 200 feet more or less to a point on the Easterly right of way line of said U.S. Highway 395;

(CONTINUED ON NEXT PAGE)



DOUGLAS COUNTY

Parcel 2 description continued

THENCE Northerly along the Easterly right-of-way line of said U.S. Highway 395 to the TRUE POINT OF BEGINNING.

Reference is made to Record of Survey filed June 24, 1966, under File No. 32671, Douglas County, Nevada records, and Survey recorded April 9, 1980 as Document No. 43477 and amendment thereto, Document No. 50868.

EXCEPTING THEREFROM all that portion of said land set forth in Final Order and Judgement of Condemnation recorded March 26, 1982 as Document No. 66332, Official Records.

REQUESTED BY  
*Clyde Bauer*  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

'96 MAR 28 AM 52

Page 6

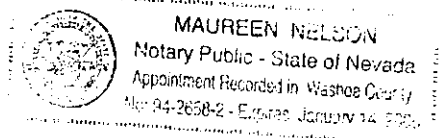
384269

BK0396PG4637

WINDA SLATER  
RECORDER  
PAID *K* DEPUTY

200045TO



State of Nevada <b>REPORT OF CONVEYANCE</b> of a water right to Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer		Sep-02
1	APPLICATION/ PERMIT No. <u>33662</u>	PROOF, or CLAIM No.: _____ STATUS: _____ USE: <u>Commercial</u>
2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER: <u>Edward J. Baur, Mary K. Baur, Norman Korn, Philo Korn, Charles B. Baur, Dreama L. Baur</u>	
If any item requires additional space, please use item 13 Remarks: or attach 8 1/2" X 11" sheets referencing appropriate item number.		
3	NEW HOLDER(S) or BENEFICIARY(S): <u>Cashell Investments, a Nevada LLC</u>	
	ADDRESS: <u>500 Damonte Ranch Pkwy</u> CITY: <u>Reno</u> STATE: <u>NV</u> ZIP CODE: <u>89511</u> PHONE: <u>775-336-4444</u>	
4	<div style="display: flex; justify-content: space-between;"> <div> <b>INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE.</b>  DEED(S)..... <u>2</u>  DEED(S) OF TRUST.....  NOTICE(S) OF PLEDGE.....  DEATH CERTIFICATES.....  DECREE(S) OF DISTR..... </div> <div> CORRECTION DEED(S).....  RECONVEYANCE.....  MAP(S) at no charge.....  AFF OF ID at no charge.....  OTHER: </div> <div> <b>OTHER:</b>  TOTAL NUMBER OF \$5 DOCUMENTS -&gt; <u>2</u>  TOTAL # X \$10 each = \$ <u>20</u>.00  Report filing fee = \$25.00  TOTAL FEES SUBMITTED* \$ <u>45</u>.00 </div> </div> <div style="text-align: right; font-size: small;">See Guidelines Page 2</div>	
5	*ONE, ONE-TIME \$25 FILING FEE MUST ACCOMPANY THESE REPORT(S) +\$10 PER CONVEYANCE DOCUMENT LISTED ABOVE.	
6	This REPORT requires an ABSTRACT OF TITLE listing the above documents in chronological order, from the current holder(s) of record (ITEM 2) with the Division of Water Resources, Office of the State Engineer, to the proposed, new holder(s) of record (ITEM 3). Document(s) must be recorded in the Office(s) of the respective County Recorder(s). If the legal description on any deed(s) refer(s) to a subdivision lot or parcel or assessor's parcel number, or lists any deviation(s) different than the place of use in a Quarter/Quarter/Section/Township/Range format, a copy of the map referred to in said deed(s) is required. Copies of maps should be 8 1/2" x 11" or 11" x 17". Please refer to <i>Guidelines</i> sheet for details.	
7	LIST SUPPLEMENTAL RIGHTS: _____	
8	COUNTY: POINT OF DIVERSION: _____	COUNTY: PLACE(S) OF USE: _____
9	PLACE(S) OF USE: Qtr. _____ Qtr. _____ Sec. _____	TWNSHIP _____ RANGE _____ APN: <u>1022-29-301-003</u>
10	AMOUNT (DUTIES) TO BE ASSIGNED: <u>0.0023</u> CFS <u>0.047</u> ACRE-FEET or <u>MGA</u> ACRES or UNITS	
11	DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES _____ NO <u>X</u>	
12	IS AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. OF THIS RIGHT TO BE FILED? YES _____ NO <u>X</u>	
13	IF AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER: _____	
14	List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title. <u>Permit 52865</u>	
15	Additional Space/Remarks: _____	
16	<p><i>"I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer."</i></p> <div style="display: flex; justify-content: space-between;"> <div> SUBSCRIBED AND SWORN TO  BEFORE ME THIS <u>10</u> DAY OF  Mo. <u>ovembre</u> Yr. <u>2003</u>    <u>Maureen Nelson</u>  <small>(38) Notary Signature Required</small>  NOTARY PUBLIC IN AND FOR THE  COUNTY OF <u>Washoe</u>  STATE OF <u>Nevada</u>  MY COMMISSION EXPIRES <u>11/1/06</u> </div> <div> SIGNATURE: <u>Ross E. de Lipkau</u>  PRINT NAME: <u>Ross E. de Lipkau</u>  MAILING ADDRESS: <u>P.O. Box 2790</u>  FIRM NAME: <u>Marshall Hill Cassas &amp; de Lipkau</u>  CITY: <u>Reno</u> STATE: <u>Nevada</u> ZIP CODE: <u>89505</u>  PHONE: <u>775-323-1601</u>  OWNER?: _____  AGENT?: <u>X</u> </div> </div> <div style="text-align: center; margin-top: 10px;">   NOTARY STAMP </div>	

THIS DOUBLE SIDED FORM CAN BE COPIED ONTO GREEN PAPER ONLY.

# ABSTRACT OF TITLE

33662

Permit/Proof N  
Page No.

1

DEED NO.	GRANTOR	GRANTEE	CFS	(circle one) AFA/AFS or MGA/MGS	(circle one) ACRES or Units	This column for office use only		DOCUMENT DESCRIPTION REMARKS
						FILED UNDER	DATE	
1	Edward J. & Mary K. Baur; Norman & Philo Korn, and Charles B. & Dreama L. Baur	Lester E. Thompson; Nancy Moss Steve Sutter; Ronald Bartoli; First Trust Corp., Trustee Jamelske, Carlson C. Williams; Robert & Linda Mori	0.023	0.47			0540944	Trustee's Deed
2	Lester E. Thompson; Nancy Moss Steve Sutter; Ronald Bartoli; First Trust Corp., Trustee Jamelske; Carlson C. Williams; Robert & Linda Mori	Cashell Investments, a Nevada LLC	0.0023	0.047			04/29/02	Grant, Bargain and Sale Deed
3							0550103	
4							08/21/02	
5								
6								
7								
8								

Type or print in black ink

ABSTRACT.XLS



## ABSTRACT OF ASSIGNMENTS

PERMIT  
PAGE33662  
1 of 1

DEED NO.	GRANTOR	GRANTEE	CFS	MAA	UNITS	FILED UNDER DATE	Book/Page Instrument DATE	DOCUMENT DESCRIPTION/ REMARKS
1	Janice Broderick Patricia Bouharin	William J. Schneider Elizabeth S. Dechane	0.0157	0.320	----	33662 5/31/91	169792 12/28/87	G.B.&S. Deed Parcel "2" (As Joint Tenants)
2	Janice Broderick Patricia Bouharin	William J. Schneider Elizabeth S. Dechane	0.0073	0.150	----	33662 5/31/91	169855 12/28/87	G.B.&S. Deed Parcel "1" (As Joint Tenants)
3	William J. Schneider Elizabeth S. Dechane	Edward J. & Mary K. Baur, h&w; Norman & Philo Korn, h&w; and Charles B. & Dreame L. Baur, h&w	0.023	0.469	----	33662 7/18/95	360100 4/7/95	Undivided 1/3 Interest in both Parcels 1 & 2 (APN 39-101-02 and APN 39-101-02) for each couple
4								
5								
6								
7								

No. **33662**

Date Filed SEP 19 1977

Indexed under

Well Log 11670 ?

Name of applicant

Map

Stream

Basin **Antelope Valley-9-106**Township **10 N. Range 22 E.**County **Douglas**Point of diversion **NW 1/4 SW 1/4 Section 29**Applicant **Janice Broderick and Patricia Bouharin**Source of Water **Underground**Returned for correction **DEC 7 1977**

Abrogated by

Corrected application received **DEC 9 1977**Map filed **December 9, 1977**Sent for publication **DEC 16 1977**Proof of publication filed **JAN 23 1978**

Investigated on ground by

Protested

Ready for action **JAN 18 1978**Approved **August 2, 1978****O. J. C. S.****Comm.**

Denied

	PROOF OF COMMENCEMENT	PROOF OF COMPLETION *	PROOF OF BENEFICIAL USE	CULTURAL MAP
Date due	<b>MAR 2 1979</b>	<b>MAR 2 1980</b>	<b>MAR 2 1982-83</b>	
1st extension				
2nd extension				
Date filed	<b>MAR 7 1979</b>	<b>MAR 7 1975</b>	<b>FEB 14 1983</b>	

CERTIFICATE NO.	<b>10614</b>	ISSUED	<b>3-14-83</b>	AMOUNT	<b>0.0234</b>
Use	<b>Comm.</b>				

## ADDRESS CHANGE

## NEW OWNERS OF RECORD:

**William J. Schneider &  
Elizabeth S. DeChene  
P.O. Box 1029  
Millbrae, CA 94030  
7-8-91**

## COMPUTER CHECK

File Entry	<b>W</b>
Publication	<b>W</b>
Permit	<b>W</b>
Certificate	<b>W</b>

\*Note meter requirement.

New Owners of Record of 1/3 Interest Each Couple:  
Edward J. & Mary K. Baur; Norman & Philo Korn  
and Charles B. & Dreama L. Baur  
c/o Linkay Engineering, Inc.  
878 West 18th Street  
Costa Mesa, California 92627

745

# REPORT OF CONVEYANCE

of a water right to  
Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer

1 APPLICATION/ PERMIT No. 52965 PROOF, or CLAIM No.: \_\_\_\_\_ STATUS: \_\_\_\_\_ USE: Commercial

2 CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER: Edward J. Baur, Mary K. Baur, Norman Korn, Philo Korn,  
Charles B. Baur, Dreama L. Baur

If any item requires additional space, please use item 13 Remarks; or attach 8 1/2" X 11" sheets referencing appropriate item number.

3 NEW HOLDER(S) or BENEFICIARY(S): Cashell Investments, a Nevada LLC  
ADDRESS: 500 Damonte Ranch Pkwy.  
CITY: Reno STATE: NV ZIP CODE: 89511 PHONE: 775-336-4444

4 INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE. See Guidelines Page 2

DEED(S).....	<u>2</u>	CORRECTION DEED(S).....		OTHER:	
DEED(S) OF TRUST.....		RECONVEYANCE.....at no charge		TOTAL NUMBER OF \$5 DOCUMENTS =>	<u>2</u>
NOTICE(S) OF PLEDGE.....		MAP(S) at no charge.....		TOTAL # X \$10 each =	\$ <u>20</u> .00
DEATH CERTIFICATES.....		AFF OF ID at no charge.....		Report filing fee = \$25.00	\$ <u>20</u> .00
DECREE(S) OF DISTR.....		OTHER:		TOTAL FEES SUBMITTED*	\$ <u>20</u> .00

5 \*ONE, ONE-TIME \$25 FILING FEE MUST ACCOMPANY THESE REPORT(S) +\$10 PER CONVEYANCE DOCUMENT LISTED ABOVE.

6 This REPORT requires an ABSTRACT OF TITLE listing the above documents in chronological order, from the current holder(s) of record (ITEM 2) with the Division of Water Resources, Office of the State Engineer, to the proposed, new holder(s) of record (ITEM 3). Document(s) must be recorded in the Office(s) of the respective County Recorder(s).  
If the legal description on any deed(s) refer(s) to a subdivision lot or parcel or assessor's parcel number, or lists any deviation(s) different than the place of use in a Quarter/Quarter/Section/Township/Range format, a copy of the map referred to in said deed(s) is required. Copies of maps should be 8 1/2" x 11" or 11" x 17". Please refer to Guidelines sheet for details.

7 LIST SUPPLEMENTAL RIGHTS: \_\_\_\_\_  
8 COUNTY: POINT OF DIVERSION: \_\_\_\_\_ COUNTY: PLACE(S) OF USE: \_\_\_\_\_  
9 PLACE(S) OF USE: Qtr. \_\_\_\_\_ Qtr. \_\_\_\_\_ Sec. \_\_\_\_\_ TWSHP \_\_\_\_\_ RANGE \_\_\_\_\_ APN: 1022-29-301-003  
10 AMOUNT (DUTIES) TO BE ASSIGNED: 0.011 CFS 0.874 ACRE-FEET of MGA \_\_\_\_\_ ACRES or UNITS  
11 DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES \_\_\_\_\_ NO X  
12 IS AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. OF THIS RIGHT TO BE FILED? YES \_\_\_\_\_ NO X  
13 IF AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER: \_\_\_\_\_

14 List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title.  
Permit 33862, Certificate 10614

15 Additional Space/Remarks: \_\_\_\_\_

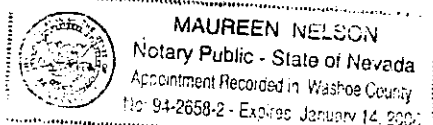
16 "I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer."

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS 10 DAY OF  
Mo. overme Yr. 2003

(SS) Maureen Nelson  
Notary Signature Required

NOTARY PUBLIC IN AND FOR THE  
COUNTY OF Washoe  
STATE OF Nevada  
MY COMMISSION EXPIRES 1/14/06

SIGNATURE: Ross E. de Lipkau  
PRINT NAME: Ross E. de Lipkau  
MAILING ADDRESS: P.O. Box 2790  
FIRM NAME: Marshall Hill Cassas & de Lipkau  
CITY: Reno STATE: Nevada ZIP CODE: 89505  
PHONE: 775-323-1601



OWNER?: \_\_\_\_\_  
AGENT?: X

NOTARY STAMP

THIS DOUBLE SIDED FORM CAN BE COPIED ONTO GREEN PAPER ONLY.



# ABSTRACT OF TITLE

		Permit/Proof N Page No.		52865 1		This column for office use only		(circle one)		(circle one)		DOCUMENT DESCRIPTION REMARKS	
DEED NO.	GRANTOR	GRANTEE	CFS	AFA/AFS or MG/IMGs	ACRES or Units	FILED UNDER DATE	Recordar's Document # DATE						
1	Edward J. & Mary K. Baur; Norman & Philo Korn, and Charles B. & Dreanna L. Baur	Lester E. Thompson; Nancy Moss Steve Sutter; Ronald Bartoli; First Trust Corp., Trustee Jamelske; Carson C. Williams; Robert & Linda Mori	0.11	8.74			0540944					Trustee's Deed	
2	Lester E. Thompson; Nancy Moss Steve Sutter; Ronald Bartoli; First Trust Corp., Trustee Jamelske; Carson C. Williams; Robert & Linda Mori	Cashell Investments, a Nevada LLC	0.011	0.874			0550103					Grant, Bargain and Sale Deed	
3							08/21/02						
4													
5													
6													
7													
8													

Type or print in black ink

## SUMMARY OF OWNERSHIP

Page 1 of 1

 PERMIT: BEA 52865  
 CERTIFICATE:

 USE: Commercial  
 ISSUED:

CFS

CFS

DUTY 9.74

MGA

UNITS

UNITS

EFFECTIVE

DATE: 7/18/95

BY:

LBS

SUPPLEMENTAL TO:

33662

OWNER

DUTY MGA

UNITS

CHANGED BY: STATUS

REFERENCED DOCUMENTS

DESCRIPTION

 Edward J. Baur  
 Mary K. Baur

0.03687

2.9133

----

1

Undivided 1/3 Interest

 Norman Korn (Per Letter 8-1-98)  
 Philo Korn

0.03687

2.9133

----

1

Undivided 1/3 Interest

 Charles B. Baur  
 Dreama L. Baur

0.03687

2.9133

----

1

Undivided 1/3 Interest

ENCUMBRANCE(S): YES ( ) NO (X)

## ABSTRACT OF ASSIGNMENTS

 PERMIT  
PAGE  
RFA 52865  
1 of 1

DEED NO.	GRANTOR	GRANTEE	OFS	MGA	UNITS	FILED UNDER DATE	Book/Page Instrument DATE	DOCUMENT DESCRIPTION/ REMARKS
1	William J. Schneider Elizabeth S. Dechane	Edward J. & Mary K. Baur, h&w; Norman & Philo Korn, h&w; and Charles B. & Dreema L. Baur, h&w	0.11	3.74	---	33662 7/18/95	360100 4/7/95	Undivided 1/3 Interest in both Parcels 1 & 2 (APN 39-101-03 and APN 39-101-02) for each couple
2								
3								
4								
5								
6								
7								

Name of applicant		<input checked="" type="checkbox"/>		Well Log	
Map		Basin <b>ANTELOPE VALLEY</b>			
Stream		<b>9-106</b>			
Township <b>10 N</b> Range <b>22 E</b>		County <b>DOUGLAS</b>			
Point of diversion <b>NW 1/4 SW 1/4 Section 29</b>					
Applicant		<b>ELIZABETH S. DeCHENE</b>		<b>WILLIAM J. SCHNEIDER</b>	
Source of Water		<b>UNDERGROUND</b>			
Returned for correction		Abrogated by			
Corrected application received					
Map filed <b>JAN 17, 1989</b>					
Sent for publication <b>FEB 10 1989</b>					
Proof of publication filed <b>MAR 17 1989</b>					
Investigated on ground by					
Protested					
Ready for action <b>APR 15 1989</b>					
Approved		<b>Aug 12, 1998</b>		<b>0.11 cfs</b>	
Denied		<b>Commercial</b>			
	PROOF OF COMMENCEMENT	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP	
Date due		<b>SEP 12 1999</b>	<b>SEP 12 2003</b>		
1st extension					
2nd extension					
		No Further Extension			
Date filed					
				Filed under map	
CERTIFICATE NO.		ISSUED		AMOUNT	
Use					
COMPUTER CHECK	File Entry	<b>JB</b>	Publication	<b>gcp</b>	Permit
				<b>Jf</b>	Certificate
ADDRESS					

**NEW OWNERS OF RECORD OF 1/3:**

**INTREST EACH COUPLE:**  
 Edward J. & Mary K. Baur;  
 Norman & Philo Korn and  
 Charles B. & Dreema J Baur

**1 SP74108**

Ed's Topaz Nugget  
 1929 South Highway 395  
 Gardnerville, NV 89410  
 (702) 266-4890  
 per ltr: 03/19/98



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2/28/07

RLH  
Signature

Robert A. Cashell, Jr.  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Managing Member of

(Title)  
Cashell Investments LLC  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with notice of appearance and intent to participate.

Exhibit 13B-16B

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.


5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8   
9 (Signature)

10  
11 Robert A. Cashell, Jr.  
12 (Printed or typed Name)

13  
14 Cashell Investments, LLC  
15 (Entity, if any, on whose  
16 behalf you are appearing)  
17 500 Damonte Ranch Plac  
18 Reno, NV 89511  
19 (Address)  
20 (775) 336-4444  
21 (Telephone number)  
22  
23  
24  
25  
26  
27  
28





**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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Date: 8-15-03

  
Signature

THOMAS C BERRY  
Printed Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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Date: Aug 15, 03

Marilyn A. Berry  
Signature

MARILYN A. BERRY  
Printed Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



State of Nevada

Dept. of Conservation &amp; Natural Resources

Division of Water Resources



## Nevada Division of Water Resources

## Well Log Database

## Query Results

Type of Site: N

Sequence No.: 7249

Log No.: 31599

Permit No.:

Basin: 110C

Notice of Intent#: 11712

Owner: BERRY, THOMAS

Mailing/Well Address: 623 G ST HAWTHORNE NV

Location SW

Sec: 08

Twn: 07N

Rng: 30E Ref: MD

State/Co. Code:

Waiver No:

Parcel No.:

Lot No.: 4

Block No.:

Type of Work: N

Proposed Use: H

Drilling Method R

Subdiv. Name:  
CANYON SOUTH

Source Agency: NV003

## Well Construction

Depth to Bedrock:

Hole Depth: 320 feet

Construction Data Quality: G

Surface Casing Diameter: 6 inches

Lithologic Data Quality: G

Cased To: 320 feet

Aquifer Type:

Casing Reductions: 0

Date Started:

Perforations:

Date Complete: 4/19/1989

From 135 feet to 320 feet

Yield G.P.M.

Perforation Length:

Draw Down:

After Hours Pump:

Perforation Intervals: 4

Pumping Water Level:

Depth of Seal: 53 feet

Specific Capacity:

Gravel Packed: Y

Test Method:

from 0 feet to 0 feet

Work Type Remarks:

Static Water Level: 156 ft below LSD

General Remarks:

Water Temperature: ° F

Contractor Name: EDDCO EXPLORATION



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TO: Susan L. Schneider, attorney for the United States of America

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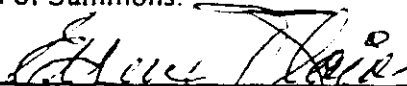
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

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4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date 7-06-03

  
Signature Ellen Blair  
Printed Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

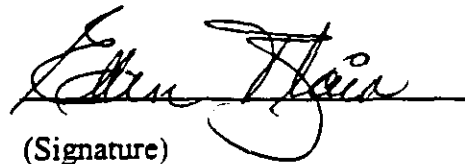
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8   
(Signature)

9  
10  
11 ELLEN BLAIR  
12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17 P.O. Box 3578  
18 Hawthorne, NV-89415  
(Address)

19 1-775-945-5651  
20 (Telephone number)





**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

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Date: 9/29/03

Darlene G. Brown  
Signature

Darlene G. Brown  
Printed Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

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Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

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5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
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21  
22  
23  
24  
25  
26  
27  
28

Attorney:

Address:

Phone Number:

Fax Number:

Darlene G. Brown

(Signature)

Darlene G. Brown

(Printed or typed Name)

\_\_\_\_\_  
(Entity, if any, on whose  
behalf you are appearing)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone number)

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

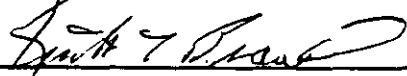
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 9/29/03

  
\_\_\_\_\_  
Signature

Kenneth L. Brown  
\_\_\_\_\_  
Printed Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

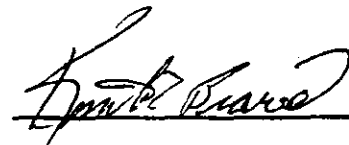
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8   
9 (Signature)

10  
11 Kenneth L. Brown  
12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17  
18 (Address)

19 (Telephone number)

**There is no EXHIBIT 22**